

BURGIS ASSOCIATES, INC.

COMMUNITY PLANNING AND DEVELOPMENT CONSULTANTS

PRINCIPALS:

Joseph H. Burgis PP, AICP
Brigette Bogart PP, AICP
Edward Snieckus PP, CLA, ASLA

Community Planning
Land Development and Design
Landscape Architecture

December 3, 2009

Eileen Swan, Executive Director
NJ Highlands Council
100 North Road (Route 513)
Chester, NJ 07930

Re: Borough of Wharton, Morris County
Map Adjustment requests.

BA #2210.02

Dear Ms. Swan:

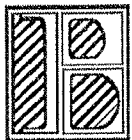
On behalf of Borough of Wharton, we are requesting a map adjustments in the Borough of Wharton. Attached are two letters dated February 28, 2008 and April 9, 2007 that we had sent in concern with this subject. As part of this submission, we would like to bring to your notice and reiterate our request for map adjustment.

Please contact me if you have any further questions.

Sincerely,

Malvika Apte, AICP, PP

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Community Planning
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February 28, 2008

Ms. Eileen Swan, Executive Director
New Jersey Highlands Council
100 North Road (Route 513)
Chester, New Jersey 07930

Re: Comment on Final Draft Master Plan
Land Use Capability Map
Borough of Wharton, Morris County
1958.09

Dear Ms. Swan,

Burgis Associates is the planning consultant for the Borough of Wharton, a community located entirely within the Highlands Planning Area. In our previous letter to you, dated May 10, 2007, we called attention to several areas of the community where a change in designation was requested for the Highlands Land Use Capability (LUC) map proposed by the Highlands Council. These recommendations were made based on inconsistencies between the Highlands Council's proposed map and the borough's existing land use and environmental information.

Our review of the latest draft Highlands LUC Map indicates several of our prior comments have been incorporated, while others remain outstanding. Of concern is the fact that the newly proposed map expands the Protection overlay to many new areas of the community. Moreover, there appear to be new designations on the current map which are in error since the definition of the overlay is not compatible with the existing conditions. We were surprised to see designations added on the current version of the map which were not on the previous version circulated for public review and comment. **Two of the borough's affordable housing sites are impacted by these "new" designations and this letter sets forth the requested changes to assure this housing will be developed in the community. The affordable housing sites are identified as sites no. 13 and 23 on the accompanying map.**

The LUC map is an important planning document which will impact future land use decisions at the local and state level. It will serve as a state policy guideline for all future development in the borough. Therefore, it is extremely important that the LUC map is consistent with the existing local land use conditions to ensure the success of future planning, growth and vitality for the Borough of Wharton.

We have compared our initial comments with the current Highlands LUC Map. The comparison, set

forth in Table 1, indicates that several parcels still require a change in designation. The parcels which have not been addressed by the Highlands Council are highlighted.

Table 1
Comparison of Borough Requested Changes and Current LUC Map
Wharton, NJ

Site No.	Block and Lot	Change requested in 5/10/07 BA letter	Current LUP Map designation	Highlands Environmental Indicator
1	Block 101 Lot 28	Change designation to Planned Community	Changed to Existing Community	None
2	Block 107 Lot 1			
3	Block 201 Lot 25			
4	Block 201 Lot 26	Same as above	Partially still in protection zone	Forest Area
5	Block 402 Lot 1	Same as above	Not changed	Critical habitat
6	Block 1101 Lot 31	Change designation to Planned Community	Changed to Existing Community Zone	None
7	Block 1101 Lot 32			
8	Block 1101 Lot 34			
9	Block 1101 Lot 36			
10	Block 1101 Lot 37			
11	Block 1101 Lot 40			
12	Block 1101 Lot 41			
13	Block 1603 Lot 14	Same as above	Partially still in protection zone	Critical habitat
14	Block 1603 Lot 15	Same as above	Changed to existing community	
15	Block 1713 Lot 1	Change designation to protection	Did not change to protection	Under Development, land use.
16	Block 1801 Lot 38	Change designation to Planned Community	Changed to Existing Community Zone	None
17	Block 1801 Lot 39			Critical habitat
18	Block 1801 Lot 40	Same as above	Partially still in protection zone	Critical habitat
19	Block 1801 Lot 41	Change designation to protection	Did not change to protection	Critical habitat
20	Block 2120 Lot 10	Change designation to Planned Community	Changed to existing community zone	None

It appears that based on statewide environmental overlays, Highlands staff has kept the protection overlay on parcels in the borough, even though most of them are developed. Table 2 provides a summary of the borough's environmental information and existing land use for these sites.

Table 2
Comparison of LUC Map Designation and Borough's Site Specific Information
Wharton, NJ

Site No.	Block and Lot		LUC Map	Site Specific Local Information	
				Environmental Indicator	Existing Land Use
4	Block 201	Lot 26	Partially in protection zone; environmentally constrained subzone	Possible wetlands	Vacant land, adjoins multifamily residential and Interstate Route 80
5	Block Lot 1	402	Partially in protection zone; environmentally constrained subzone	Possible wetlands and 100-year floodplain located on site	Commercial
13	Block Lot 14	1603	Partially in protection zone and environmentally constrained subzone	Possible steep slopes	Affordable housing site for second and third round.
15	Block 1713	Lot 1	Existing community zone	Possible steep slope	Public open space
18	Block Lot 40	1801	Partially in protection zone	Possible wetlands	Residential
19	Block 1801	Lot 41	Partially in protection zone	Possible wetlands, steep slopes	Farm qualified

The Highlands Plan notes that the Protection Zone is for lands of “high natural resource value” It also states that land acquisition in the Protection Zone is a high priority and development will be limited and subject to stringent limitations. Given the fact that these sites (No. 5 and 18) are developed, and several parcels appear to have minimal environmental constraint indicators, it is not logical to designate them with a restrictive overlay. In contrast, the borough’s master plan designates site nos. 15 and 19 for open space wherein a protection overlay would appear to be appropriate. **We reiterate that the designations noted in our May 10th letter should be implemented on the LUC Map.**

In addition to the above noted sites, we are concerned with the designations on the current map which were not included on the previous draft Highlands map and are, in our view, “new” designations within the Borough of Wharton. There are two general concerns, and several site specific concerns, that we feel imperative to communicate to you.

First, the entire central portion of the borough is designated as a Lake Community Subzone which is clearly an error. One can surmise that a body of water (Washington Forge Pond) was identified via aerial photography by Highlands staff as a “lake” and the surrounding development was given the Lake

Community subzone designation. The Highlands defines Lake Community Subzone as follows:

“those areas that are within 1,000 feet of lakes that are 10 acres or greater in size. This subzone has unique policies to prevent degradation of water quality, harm to lake ecosystems and natural aesthetic .”

This body of water is not a recreational lake. It was historically a hydropower source for the industrial buildings nearby. None of the properties nearby are on septic systems or wells, and will not contribute to the degradation of water quality. **It is requested that the entire Lake Community Subzone designation be deleted from the current LUC map for Wharton Borough.**

Secondly, the Environmentally Constrained Subzone encumbers properties in the community too numerous to list. A review of environmental information reveals that developed residential neighborhoods in the borough that may have steep slope ridges are identified with this designation. The Highlands Council defines this subzone as having “high resource value and limited or no capacity for on-site human development without adversely affecting the ecological value of the Highlands Region.” This designation is not appropriate for developed residential neighborhoods in the borough since most dwellings exist on 7,000 to 10,000 sf parcels with public water and sewer connection. **We request that the Environmentally Constrained Subzone designation be deleted from developed residential parcels in the community.**

Our site specific comments on the “new” LUC map designations within the borough are noted in the table below. As noted in the table, the properties are developed or approved for development. The introduction of a Protection overlay on these parcels is without merit. A comparison of the borough’s environmental information to the LUC designation indicates that if there is an indicator that wetlands may be present, the protection overlay encumbers the property. Several of these parcels adjoin Interstate Route 80, are developed or approved for development, and adjoin existing development and water/sewer infrastructure. **We request that the Protection overlay be deleted from the following parcels listed below in Table 3:**

Table 3
Requested Site Specific Changes to "New" Designations on LUC Map
Wharton, NJ

Site No.	Block and Lot	LUC Designation	Existing Condition/Land Use	Environmental Constraints
21	Block 304 Lot 13	Partially in protection zone	Residential	Possible wetland
22	Block 304 Lot 14.01	Partially in protection zone	Industrial	Possible wetland
23	Block 403 Lot 1	Partially in protection zone	<u>Development Approval Issued</u>	Possible wetland on site. <u>Site approved for inclusionary rental housing with affordable setaside on-site.</u>
24	Block 303 Lot 19	Partially in protection zone	Public	Possible wetland
25	Block 303 Lot 11	Partially in protection zone	Industrial	Floodplain
26	Block 501 Lot 23	Partially in protection zone	Vacant	Possible steep slopes
27	Block 501 Lot 20	Partially in protection zone	Industrial	Possible steep slopes and/or wetland

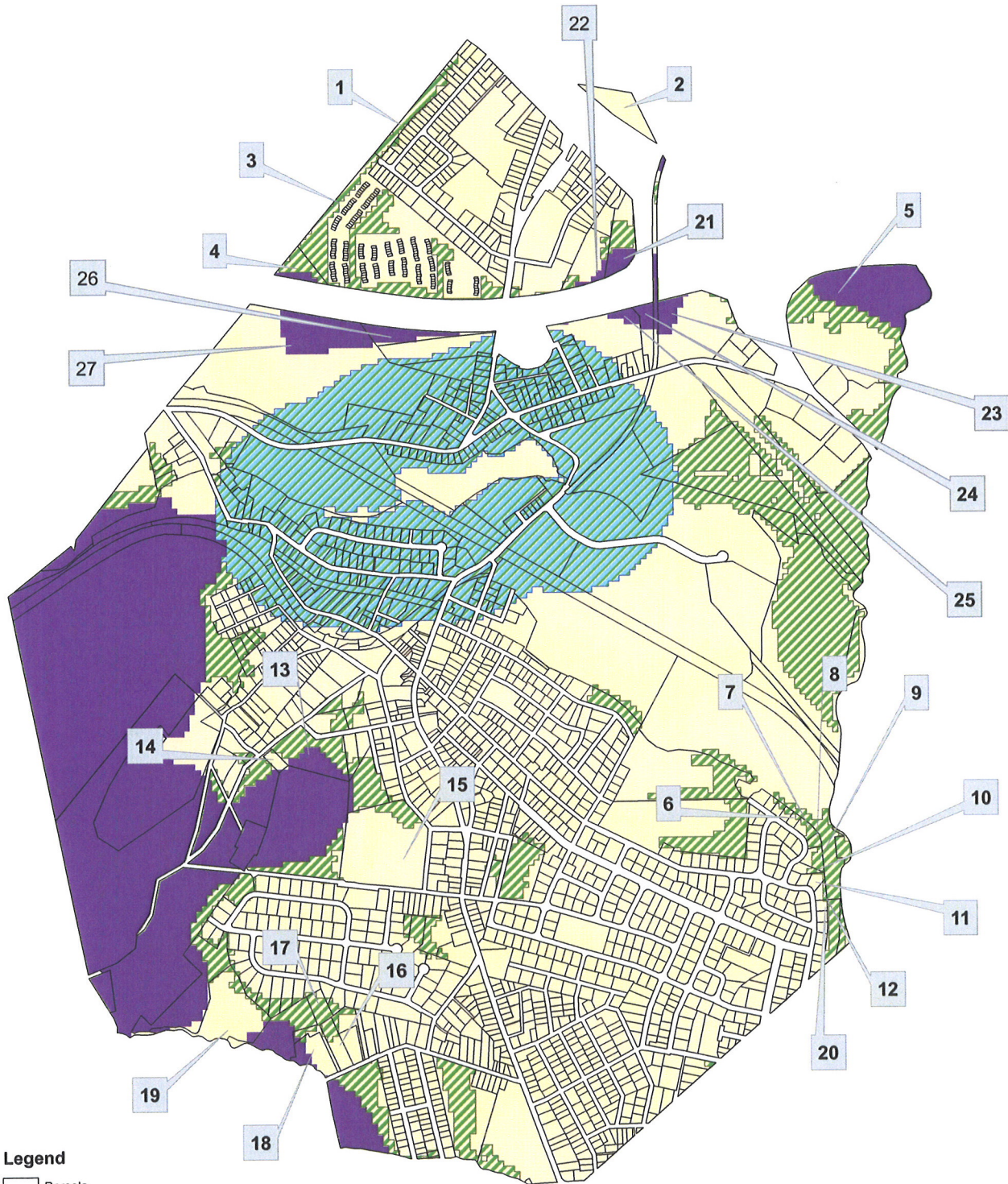
I trust the Highlands Council will review these requests in detail, *particularly those pertaining to the borough's affordable housing sites*. This information is essential to develop an accurate and workable Land Use Capability Map to guide future development in the Highlands Region. Please contact me if you have any questions regarding these requests.

Very truly yours,

Donna Holmqvist

Donna Holmqvist, AICP, PP

cc: Mayor William J. Chegwidan
Jon Rheinhardt, Borough Administrator
Patricia Craven, Land Use Board Secretary



Legend

Parcels

Highlands Land Use Capability Zones-2008

Overlay Zones

Existing Community Zone

Protection Zone

Existing Community Subzones

Existing Community-Environmentally Constrained Subzone

Existing Community-Lake Community Subzone

Dwg. Title

Borough of Wharton-Draft Map

Project No.

1958.09

Dwg. Date

02/28/08

Drawn By

MA



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25 WESTWOOD AVENUE
WESTWOOD, N.J. 07075
201-666-1811 FAX: 201-666-2599

Project Title
Highlands Draft Master Plan Comments

BOROUGH OF WHARTON
MORRIS COUNTY, NEW JERSEY

Dwg. Scale

N.T.S.

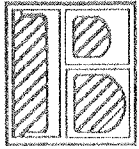
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1 of 1

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MEMORANDUM

To: Borough of Wharton Council
From: Donna Holmqvist, P.P.
Subject: Draft Highlands Regional Master Plan
Summary of Plan and Potential Impacts on Township
Date: April 9, 2007
BA#: 1958.09

Introduction

This memorandum is to provide a general overview of the Highlands Draft Regional Master Plan ("Draft Plan") and its impact on Borough of Wharton, the entirety of which is located within the Highlands Region as designated under the Highlands Water Protection and Planning Act adopted by the State Legislature in 2004.

The two areas designated under the Highlands Act are the Planning and Preservation Areas. Per the Draft Plan, the entire Township is located within the Planning Area. The Planning Area is not subject to the immediately effective standards of the Highlands Act as compliance within this area is voluntary.

The Draft Plan includes a land use capacity map with three specific zone standards applicable to both the Planning and Preservation Areas. These zone standards are as follows:

- Protection Zone: Resource constrained lands where development will be limited. Land acquisition is considered a priority. Development will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, impacts to environmentally sensitive land. The Draft Plan states development may only occur via redevelopment of existing developed areas.
- Conservation Zone: Agricultural lands where development potential is limited. No portion of the Township is designated as a Conservation Zone.
- Planning Community Zone: Lands determined to have the necessary infrastructure capacity and land use characteristics to support growth. Preservation Area land under this zone designation is given a "Specially Planned Area" designation. These areas are envisioned to provide opportunities for Transfer of Development Rights (TDR) Receiving Areas.

Each Zone designation is reviewed to determine the general impacts on development within the Township. The entire Township is located within the Planning Area, but the Draft Plan does not distinguish between a Protection Zone in the Preservation Area and or the Planning Area.

Planning Area: Protection Zone

Parcels within the protection zone include both developed and undeveloped parcels. The following sections of the Township, as noted on the attached maps, have been designated as Protection Zone:

Block 107	Lot 1	Block 1603	Lot 14
Block 101	Lot 28 (Partly)	Block 1603	Lot 15
Block 201	Lot 22	Block 1603	Lot 16
Block 201	Lot 25	Block 1603	Lot 18
Block 201	Lot 26	Block 1805	Lot 14
Block 604	Lot 1(Park)	Block 1805	Lot 15
Block 603	Lot 1(Morris Canal)	Block 1805	Lot 16
Block 605	Lot 1	Block 1807	Lot 17
Block 605	Lot 1.01	Block 1807	Lot 18
Block 1401	Lot 1	Block 1807	Lot 100
Block 1501	Lot 1	Block 1802	Lot 42
Block 1501	Lot 3	Block 1802	Lot 43
Block 1503	Lot 1	Block 1802	Lot 41
Block 1502	Lot 2	Block 1802	Lot 101
Block 1603	Lot 11	Block 1504	Lot 1
Block 1603	Lot 12	Block 1504	Lot 3
Block 1603	Lot 13	Block 1801	Lot 41
Block 1801	Lot 39	Block 1101	Lot 9
Block 1801	Lot 40	Block 1101	Lot 8.01
Block 1802	Lot 100	Block 503	Lot 2
Block 1902	Lot 2	Block 2120	Lot 10
Block 1902	Lot 2.01	Block 2120	Lot 11
Block 1902	Lot 14	Block 2120	Lot 12
Block 1101	Lot 31	Block 402	Lot 1
Block 1101	Lot 32	Block 1101	Lot 34
Block 1101	Lot 36	Block 1101	Lot 37
Block 1101	Lot 40	Block 1101	Lot 41

The Protection Zone is considered to include areas with high resource value that important in maintaining water quality and quantity. These are areas with water bodies, wetlands and forested land. Land acquisition is a priority in this zone. Any development activities will be subject to stringent limitations on water consumption or disturbing the environmentally sensitive area and may occur only via redevelopment of already developed parcels.

Planning Area: Planned Community Zone / Specially Planned Areas

The remainder of the Borough outside the Protection Area is located within the Planning Area. Most of the Township Planning Area is designated as Planned Community Zone. Lands determined to have the necessary infrastructure capacity and land use characteristics to support growth.

Potential Benefits and Incentives

Compliance with this plan is voluntary for Planning Area municipalities. The Plan encourages the Planning Area municipalities with various incentives to conform to this plan. The benefits include the following:

- Planning Grants and Technical Assistance: the council will make grant funds and other financial and technical assistance available to municipalities in conformance with the plan for any revision required of their master plans, development regulations or for implementation of TDR.
- State Aid for Smart Growth: Municipalities conforming to the plan and proposing certain smart growth projects may also be assisted with state funding for those projects.
- TDR: Any municipality that accommodates the voluntary receiving zone in their development regulations for boundaries that provide at least five units per acre will get several benefits including an additional planning grant up to \$250,000 to cover the expenses.
- Tax Stabilization Funds
- Legal Representation
- Plan conformance is considered equivalent to State Plan Endorsement: For any municipality in conformance with highlands plan the plan of that municipality will be considered equivalent to having been endorsed by State Planning Commission. This means that in addition to State monetary benefits available to the Township, a housing plan previously approved by COAH will continue to be recognized as valid by COAH.

Proposed Changes

Some of the changes regarding the proposed protection or preservation zone are required to change. The reason behind this requested change is due to the proposed land uses of these sites. Many of these site have been developed or are proposed to be developed with industrial or residential uses. Providing them in a protection zone will restrict the development.

1. Block 101 Lot 28	Recommended to be included in Planned Community zone
2. Block 107 Lot 1	Recommended to be included in Planned Community zone
3. Block 201 Lot 25	Recommended to be included in Planned Community zone
4. Block 201 Lot 26	Recommended to be included in Planned Community zone
5. Block 402 Lot 1	Recommended to be included in Planned Community zone
6. Block 1101 Lot 31	Recommended to be included in Planned Community zone
7. Block 1101 Lot 32	Recommended to be included in Planned Community zone
8. Block 1101 Lot 34	Recommended to be included in Planned Community zone
9. Block 1101 Lot 36	Recommended to be included in Planned Community zone
10. Block 1101 Lot 37	Recommended to be included in Planned Community zone
11. Block 1101 Lot 40	Recommended to be included in Planned Community zone
12. Block 1101 Lot 41	Recommended to be included in Planned Community zone
13. Block 1603 Lot 14	Recommended to be included in Planned Community zone
14. Block 1603 Lot 15	Recommended to be included in Planned Community zone
15. Block 1713 Lot 1	Recommended to be included in Protection zone
16. Block 1801 Lot 38	Recommended to be included in Planned Community zone
17. Block 1801 Lot 39	Recommended to be included in Planned Community zone
18. Block 1801 Lot 40	Recommended to be included in Planned Community zone
19. Block 1802 Lot 41	Recommended to be included in Protection zone
20. Block 2120 Lot 10	Recommended to be included in Planned Community zone

Existing Land Uses

1. Block 101 Lot 28	Vacant Land
2. Block 107 Lot 1	Industrial
3. Block 201 Lot 25	Multi-Family Residential
4. Block 201 Lot 26	Vacant Land
5. Block 402 Lot 1	Commercial-Costco development
6. Block 1101 Lot 31	Single Family Residential
7. Block 1101 Lot 32	Single Family Residential
8. Block 1101 Lot 34	Single Family Residential
9. Block 1101 Lot 36	Single Family Residential
10. Block 1101 Lot 37	Single Family Residential
11. Block 1101 Lot 40	Single Family Residential
12. Block 1101 Lot 41	Single Family Residential
13. Block 1603 Lot 14	Vacant Land
14. Block 1603 Lot 15	Vacant Land
15. Block 1713 Lot 1	Public Field
16. Block 1801 Lot 38	Single Family Residential
17. Block 1801 Lot 39	Single Family Residential
18. Block 1801 Lot 40	Single Family Residential
19. Block 1802 Lot 41	Farm
20. Block 2120 Lot 10	Single Family Residential

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